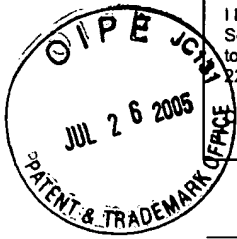


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20 JUL 2005

10/519,762 7-28-05 JCO4 Rec'd PCT/PTO 26 JUL 2005
PC



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Dated: July 26, 2005

Signature:

Yuki Tsukuda
(Yuki Tsukuda)

Docket No.: 15115/147001
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Kiyoshi Imai et al.

Application No.: 10/519,762

Filed: December 29, 2004

For: VARIABLE OPTICAL ATTENUATOR

Confirmation No.: 5376

Art Unit: N/A

Examiner: Not Yet Assigned

RESPONSE TO NOTICE TO FILE MISSING REQUIREMENTS

MS Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In response to the Notice to File Missing Requirements – Filing Date Granted mailed June 29, 2005, Applicant respectfully submits a Combined Declaration and Power of Attorney, an Application Data Sheet, an Information Disclosure Statement, an Information Disclosure Citation (PTO SB/08), and a Copy of Notice.

Please charge our Credit Card in the amount of \$130.00 covering the fee set forth in 37 CFR 1.16(f). Credit Card Payment Form SB-2038, with a signature from an authorized cardholder, is enclosed. The Director is hereby authorized to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith to our Deposit Account No. 50-0591, under Order No. 15115/147001.

07/29/2005 GFREY1 00000148 10519762

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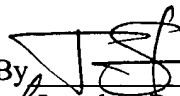


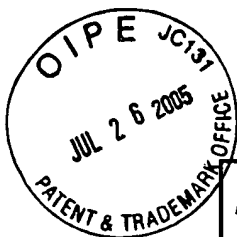
Application No.: 10/519,762

Docket No.: 15115/147001

Dated: July 26, 2005

Respectfully submitted,

By  #45,079
Jonathan P. Osha THOMAS SCHERER
Registration No.: 33,986
OSHA · LIANG LLP
1221 McKinney St., Suite 2800
Houston, Texas 77010
(713) 228-8600
(713) 228-8778 (Fax)



Under the Paperwork Reduction Act of 1995, no person are required to respond to a collection of information unless it displays a valid OMB control number.

Effective on 12/08/2004.
Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).**FEE TRANSMITTAL**
For FY 2005☐ Applicant claims small entity status. See 37 CFR 1.27**TOTAL AMOUNT OF PAYMENT** (\$) 130.00**Complete if Known**

Application Number	10/519,762-Conf. #5376
Filing Date	December 29, 2004
First Named Inventor	Kiyoshi Imai
Examiner Name	Not Yet Assigned
Art Unit	N/A
Attorney Docket No.	15115/147001

METHOD OF PAYMENT (check all that apply)

☐ Check ☒ Credit Card ☐ Money Order ☐ None ☐ Other (please identify): _____

☒ Deposit Account Deposit Account Number: 50-0591 Deposit Account Name: Osha · Liang LLP

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☐ Charge fee(s) indicated below, except for the filing fee

☒ Charge any additional fee(s) or underpayment of fee(s) under 37 CFR 1.16 and 1.17 ☒ Credit any overpayments

FEE CALCULATION**1. BASIC FILING, SEARCH, AND EXAMINATION FEES**

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	
Utility	300	150	500	250	200	100	
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	

2. EXCESS CLAIM FEES

Fee Description	Fee (\$)	Small Entity Fee (\$)
Each claim over 20 (including Reissues)	50	25
Each independent claim over 3 (including Reissues)	200	100
Multiple dependent claims	360	180

<u>Total Claims</u>	<u>Extra Claims</u>	<u>Fee (\$)</u>	<u>Fee Paid (\$)</u>	<u>Multiple Dependent Claims</u>
_____	_____	_____	_____	<u>Fee (\$)</u> <u>Fee Paid (\$)</u>
_____	_____	_____	_____	_____

<u>Indep. Claims</u>	<u>Extra Claims</u>	<u>Fee (\$)</u>	<u>Fee Paid (\$)</u>
_____	_____	_____	_____
_____	_____	_____	_____

3. APPLICATION SIZE FEE

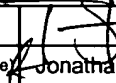
If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

<u>Total Sheets</u>	<u>Extra Sheets</u>	<u>Number of each additional 50 or fraction thereof</u>	<u>Fee (\$)</u>	<u>Fee Paid (\$)</u>
_____	_____	_____	_____	_____
_____ - 100 = _____	/50	_____ (round up to a whole number) x _____	= _____	

4. OTHER FEE(S)

Non-English Specification, \$130 fee (no small entity discount)	
Other (e.g., late filing surcharge): 1051 Surcharge-Late oath or declaration	130.00
	<u>Fees Paid (\$)</u>

SUBMITTED BY

Signature  #45,079	Registration No. (Attorney/Agent) 33,986	Telephone (713) 228-8600
Name (Print/Type) Jonathan P. Osha THOMAS SCHERER	Date July 26, 2005	

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Dated: July 26, 2005

Signature:  (Yuki Tsukuda)

Certificate of Express Mailing Under 37 CFR 1.10

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on July 26, 2005
Date



Signature

Yuki Tsukuda

Typed or printed name of person signing Certificate

Registration Number, if applicable

(713) 228-8600

Telephone Number

Note: Each paper must have its own certificate of mailing, or this certificate must identify each submitted paper.

Fee Transmittal (1 page)
Application Data Sheet (4 pages)
Declaration and POA for Patent Application (5 pages)
A Copy of Notice of Missing Requirements (2 pages)
Response to Notice to File Missing Parts of Application (2 pages)
Information Disclosure Statement (2 pages)
IDS (Citation) by Applicant (3 References) (1 page)
Payment by credit card. Form PTO-2038 is attached
Charge \$130.00 to credit card



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OSHA • LIANG LLP

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U.S. APPLICATION NUMBER NO.

10/519,762

FIRST NAMED APPLICANT

Kiyoshi Imai

ATTY. DOCKET NO.

15115/147001

INTERNATIONAL APPLICATION NO.

PCT/JP03/08188

I.A. FILING DATE

06/27/2003

PRIORITY DATE

07/12/2002

22511
OSHA LIANG L.L.P.
1221 MCKINNEY STREET
SUITE 2800
HOUSTON, TX 77010

CONFIRMATION NO. 5376

371 FORMALITIES LETTER



OC000000016402701

Date Mailed: 06/29/2005

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Copy of the International Application filed on 12/29/2004
- English Translation of the IA filed on 12/29/2004
- Information Disclosure Statements filed on 12/29/2004
- Request for Immediate Examination filed on 12/29/2004
- U.S. Basic National Fees filed on 12/29/2004
- Priority Documents filed on 12/29/2004
- Specification filed on 12/29/2004
- Claims filed on 12/29/2004
- Abstracts filed on 12/29/2004
- Drawings filed on 12/29/2004

Prev. Docketed

	Docketing.
Action: <i>IDS</i>	<i>Missing Paris (end)</i>
Base Date: <i>12/29/04</i>	<i>6/29/05</i>
Due Date: <i>3/29/05</i>	<i>8/29/05</i>
Deadline: <i>7/29/05</i>	<i>1/29/06</i>
Initials: _____	_____
Atty./Sec. Initials: _____	_____

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.
- **\$130** Surcharge for providing the oath or declaration later than 30 months from the priority date (37 CFR 1.492(e)) is required.

SUMMARY OF FEES DUE:

Total additional fees required for this application is **\$130** for a Large Entity:

- **\$130** Late oath or declaration Surcharge.

ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

SHELBY J VIGIL

Telephone: (703) 308-9140 EXT 224

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/519,762	PCT/JP03/08188	15115/147001

FORM PCT/DO/EO/905 (371 Formalities Notice)